

U.S. Appl. No. 09/841,957  
Reply to Office Action dated August 29, 2005

PATENT  
450100-03176

### **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

#### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-4, 6-8, 32, 35 and 41 are pending in this application. Claims 1, 32, 35 and 41, which are independent, are hereby amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. No new matter has been introduced by this amendment. Claims 5, 9-31, 33, 34, 36-40, 42 and 43 are hereby canceled without prejudice or disclaimer of any subject matter. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

Applicant submits herewith a substitute Specification (document identification number 317518), which corrects minor grammatical errors and a copy showing the changes made (document identification number 317058). No new matter has been introduced.

#### **II. REJECTIONS UNDER 35 U.S.C. §102(b)**

Claims 29 and 38 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,917,472 to Perala (hereinafter, merely "Perala").

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### III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-20, 24-27, 30, 32, 33, 35, 39 and 41-43 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Perala in view of U.S. Patent No. 6,175,842 to Kirk, et al. (hereinafter, merely "Kirk").

### IV. RESPONSE TO REJECTIONS

Independent claim 1 now recites, *inter alia*:

**"...wherein said selection of content information is determined by a majority decision weighted with said priority value of said cursors."** (emphasis added)

As understood by Applicants, Perala relates to a system that is usable by at least two persons (owner 3 and customer 5) in connection with an application which does not support multiple mice or multiple cursor presentations. Each person has a respective mouse (4,6) and the customer is permitted to participate in the operation of the application, at least to the extent of being able to point to objects on the screen by means of a cursor.

As understood by Applicants, Kirk relates to a system for providing shared access to a three-dimensional virtual environment synchronously with hypertext browsing. A cospace server receives a request from a client, tracks the requests, and stores components of the requested files. When a certain threshold of users have requested a file, the cospace server constructs a three-dimensional room description and sends it to the clients that are browsing the file.

Applicants submit that nothing has been found in Perala or Kirk, taken either alone or in combination that would teach or suggest a display control apparatus wherein selection of content information is determined by a majority decision weighted with said priority value of said cursors, as recited in amended independent claim 1. Therefore, claim 1 is patentable.

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Furthermore, Applicants submit that the combination of Peralá and Kirk is a result of impermissible hindsight. It is impermissible to use the claimed invention as a "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. It is well-established that one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. (See, *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992))

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 32, 35 and 41 are also believed to be patentable.

#### V. DEPENDENT CLAIMS

The other claims in this application are each dependent on a dependent claim discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

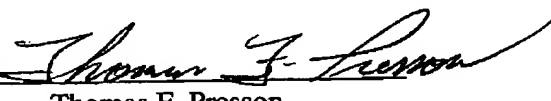
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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800